

**REMARKS**

Claims 1 and 4-10 are pending in this application.

In the Office Action, claims 1 and 4-10 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4-8 of U.S. Patent No. 7,147,382 (Suzuki et al.) in view of U.S. Patent No. 4,867,649 (Kawashima et al.). This rejection is respectfully traversed. Reconsideration and allowance of the claims is hereby requested in view of the following arguments.


Enclosed herewith is a terminal disclaimer to overcome the imposed rejection. Applicants, therefore, respectfully solicit withdrawal of the rejection of claims 1 and 4-10 under the judicially created doctrine of obviousness-type double patenting, and favorable consideration thereof.

Applicants submit that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Michael A. Messina

Registration No. 33,424

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 MAM:llg  
Facsimile: 202.756.8087  
**Date: March 23, 2009**  
WDC99 1700485-1.060579.0037

**Please recognize our Customer No. 20277  
as our correspondence address.**